

National Partnership
30 *for Women & Families*
— TH ANNIVERSARY

2001-014-1014

July 6, 2001

General Service Administration
FAR Secretariat (MVR)
Attn: Laurie Duarte
1800 F Street, NW, Room 4035
Washington, DC 20405

Re: FAR Case 2001-014

Dear Ms. Duarte:

On behalf of the National Partnership for Women & Families, we are writing in opposition to the proposal to repeal the contractor responsibility regulations adopted on December 20, 2000. We strongly support the "responsible contractor" rule because it helps to prevent businesses with egregious records of workplace discrimination from receiving lucrative government contracts. The rule, established after an extensive notice-and-comment review process, is rooted in common-sense principles about basic fairness and sound business practices — awarding contracts to companies that recklessly disregard the law undermines the efficiency of the contracting process and simply rewards bad behavior. We urge you to retain the responsible contractor rule and support these efforts to weed out companies that habitually violate civil rights, workplace, and environmental laws.

1. **The Responsible Contractor Rule Promotes Efficiency and Helps to Ensure Compliance with the Law**

The responsible contractor rule makes clear that contracting officers can consider a potential contractor's record of compliance with key laws in determining whether a contract should be awarded. By addressing legal compliance before a contract is formed, the regulations reduce the potential for expensive complications resulting from the conduct of a non-responsible contractor. The result is a more efficient contracting process. Opponents' argument that the rule effectively blacklists companies mischaracterizes the way it operates. The rule requires that there be repeated, pervasive, or significant violations of the law before any company can be found "not responsible." Furthermore, the rules actually enhance existing protections available to contractors, for example, by directing contracting officers to consult with agency counsel before finding a contractor not responsible. In short, not only are these rules fair, but they also make good business sense.


2001-014-1014


contractor not responsible. In short, not only are these rules fair, but they also make good business sense.

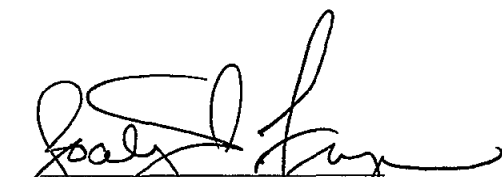
2. **Revoking the Responsible Contractor Rule Signals a Diminished Commitment to Important Legal Protections**

Revocation of the responsible contractor rule sends a troubling signal to all working women and men of this country — that ensuring compliance with basic workforce and civil rights laws is secondary to the well being of big business. This action also sends the wrong message to businesses — that no matter how egregious their record on civil rights, worker protection or the environment, that record is not likely to make a difference in whether or not they receive federal contracts. These are not the right priorities — the government should not protect unprincipled companies, nor should it look the other way when a company repeatedly ignores the law.

The issue is clear: law-abiding businesses should be valued and rewarded by our government; chronic law-breakers should not — especially at the expense of working families. The responsible contractor rule represents good public policy that protects working Americans and reinforces the importance of complying with the law. We urge the FAR Council to not repeal the responsible contractor regulations.


Judith Lichtman,
President
National Partnership of
Women and Families


Laurie Rubiner
Vice President for Program
and Public Policy
National Partnership for
Women & Families


Jocelyn C. Frye,
Director of Legal and
Public Policy
National Partnership for
Women & Families